

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

**3:20-cv-00116
(3:06-cr-00364)**

MARTINEZ ORLANDIS BLACK,)
)
 Petitioner,)
)
 v.)
)
 U.S. MARSHALL SERVICE and)
 KATY POOLE, Superintendent/Warden,)
)
 Respondents.)
 _____)

ORDER

THIS MATTER is before the Court on the Motion for Refund of Filing Fee [Doc. 17] and Motion for Waiver of Copy Fees [Doc. 19] filed by Petitioner Martinez Orlandis Black (“Petitioner”).

This is a 28 U.S.C. § 2241 proceeding. On September 21, 2021, the Court entered an Order granting the Petitioner’s motion to proceed *in forma pauperis* and dismissing without prejudice the § 2241 petition in order to allow Petitioner to re-file the petition in the appropriate venue after exhaustion of administrative remedies. [Doc. 9].

Petitioner now moves for a refund of his \$5.00 filing fee, alleging that he paid the filing fee prior to the Court’s Order granting his motion to proceed *in forma pauperis*, and that he was informed that the filing fee could be refunded. [Doc. 17]. He attaches a copy of correspondence from Scotland Correctional Institution dated October 4, 2021, stating that pursuant to a telephone call between a staff member and the Clerk of Court employee, the staff member was informed that that Petitioner’s \$5.00 filing was received but was used to credit his restitution fees for another case in error. [Doc. 17 at 2]. The staff member was advised that Petitioner could choose to keep

the \$5.00 restitution credit or request a refund. [Id.]. The Petitioner has now filed a motion electing to seek a refund of the \$5.00 filing fee. The Court will therefore grant Petitioner's motion for a refund.

Petitioner also submits a Motion for Waiver of Copy Fees, in which he requests a waiver "to pay cost of 'copies' totaling \$78.00." [Doc. 19]. However, this is a closed case and Petitioner provides no basis for his motion seeking a waiver of copy fees. The motion is without merit and will be denied.

IT IS, THEREFORE, ORDERED that:

1. Petitioner's Motion for Refund of Filing Fee [Doc. 17] is **GRANTED** and the Clerk of Court's Financial Department is directed to reimburse Petitioner the \$5.00 filing fee that was credited to his restitution fees.

2. Petitioner's Motion for Waiver of Copy Fees [Doc. 19] is **DENIED**.

IT IS SO ORDERED.

Signed: March 9, 2023

A handwritten signature in black ink, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

